UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/652,168	08/31/2000	Jeffrey L. Huckins	INTL-0453-US (P9661)	2633

7590 03/04/2004	**EXAMINER**
Timothy N. Trop	NGUYEN, DUSTIN
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8554 Katy Freeway, Ste. 100	ART UNIT	PAPER NUMBER
Houston, TX 77024	2154	

DATE MAILED: 03/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/652,168	HUCKINS, JEFFREY L.
	Examiner	Art Unit
	Dustin Nguyen	2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *19 December 2003*.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-30* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-30* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1-30 are presented for consideration.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1-16, 21, 22, 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Kawano et al. [US Patent No 5,933,605], in view of Birdwell et al. [US Patent No

6,108,706].

4.   As per claim 1, Kawano discloses the invention substantially as claimed including a

method comprising:

        assigning an individual identifier to a set of clients [Figure 4; and col 5, lines 65-col 6,

lines 5];

        assigning a group identifier to a subset of clients within the set of clients [Figure 8; and

col 8, lines 45-67].

        Kawano does not specifically disclose

        enabling a first client in said set to determine whether a message is sent to the first client

or to the subset.

Birdwell discloses

enabling a first client in said set to determine whether a message is sent to the first client

or to the subset [Figure 4; and col 6, lines 33-col 7, lines 18].

It would have been obvious to a person skill in the art at the time the invention was made

to combine the teaching of Kawano and Birdwell because Birdwell's teaching would allow client

to identify necessary information that intends for it to receive to increase system performance.

5.   As per claim 2, Kawano discloses sending a single message to a subset of said clients [

col 12, lines 4-12].

6.   As per claim 3, Kawano does not specifically disclose sending television content to a

plurality of clients. Birdwell discloses sending television content to a plurality of clients [col 1,

lines 31-34]. It would have been obvious to a person skill in the art at the time the invention

was made to combine the teaching of Kawano and Birdwell because Birdwell's teaching of

television content would allow information to be broadcasted to multiple recipients at the same

time.

7.   As per claim 4, Kawano discloses assigning an individual identifier includes assigning a

code portion that identifies a particular clients as belonging to a subset of clients within the set of

clients [col 1, lines 39-52; and col 6, lines 64-col 7, lines 6].

8.   As per claim 5, Kawano discloses comparing a group identifier, received by a client with

a message, to the client's individual identifier to determine whether the particular client is within

the addressed subset [Figure 25; and col 24, lines 1-34].

9.   As per claim 6, Kawano discloses addressing the same message to a subset of clients [col

1, lines 58-61].

10.   As per claim 7, Kawano does not specifically disclose sending a message to a client in a

unidirectional message system. Birdwell discloses sending a message to a client in a

unidirectional message system [col 1, lines 7-11]. It would have been obvious to a person skill

in the art at the time the invention was made to combine the teaching of Kawano and Birdwell

because Birdwell's teaching would reduce network traffic in client/server system.

11.   As per claims 8-14, they are program product claimed of claims 1-7, they are rejected for

similar reasons as stated above in claims 1-7.

12.   As per claim 15, Kawano discloses the invention substantially as claimed including a

method comprising:

        providing at least two agents on a client [3121, Figure 3]; and

        assigning a different address to each of said agents [Figure 4; col 5, lines 65-col 6, lines

5; and col 8, lines 23-38].

        Kawano does not specifically disclose

determining whether a message received by said client is addressed to one of said agents.

Birdwell discloses

determining whether a message received by said client is addressed to one of said agents

[Figure 4; and col 6, lines 33-col 7, lines 18].

It would have been obvious to a person skill in the art at the time the invention was made

to combine the teaching of Kawano and Birdwell because Birdwell's teaching would allow client

to identify necessary information that intends for it to receive to increase system performance.

13.   As per claim 16, Kawano does not specifically disclose sending at least two different

types of messages to said client. Birdwell discloses sending at least two different types of

messages to said client [Figure 1; and Abstract]. It would have been obvious to a person skill in

the art at the time the invention was made to combine the teaching of Kawano and Birdwell

because Birdwell's teaching would allow client to distinguish between information message and

message that carries the content.

14.   As per claims 21 and 22, they are program product claimed of claims 15 and 16, they are

rejected for similar reasons as stated above in claims 15 and 16.

15.   As per claim 27, it is apparatus claimed of claim 1, it is rejected for similar reasons as

stated above in claim 1. Furthermore, Kawano discloses a processor-based device [Abstract]

and a storage coupled to said device [304, Figure 3].

16.   As per claims 28 and 29, they are apparatus claimed of claims 3 and 5, they are rejected

for similar reasons as stated above in claims 3 and 5.

17.   As per claim 30, it is apparatus claimed of claim 15, it is rejected for similar reasons as

stated above in claim 15. Furthermore, Kawano discloses a processor-based device [Abstract]

and a storage coupled to said device [304, Figure 3].

18.   Claims 17-20, and 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Kawano et al. [US Patent No 5,933,605], in view of Birdwell et al. [US Patent No 6,108,706],

and further in view of Fletcher et al. [US Patent No 6,009,274].

19.   As per claim 17, Kawano and Birdwell do not specifically disclose sending messages

including software and messages not including software. Fletcher discloses sending messages

including software and messages not including software [Abstract; and col 9, lines 7-10]. It

would have been obvious to a person skill in the art at the time the invention was made to

combine the teaching of Kawano, Birdwell and Fletcher because Fletcher's teaching would allow

to identify software components to be updated or downloaded.

20.   As per claim 18, Kawano does not specifically disclose assigning different addresses to

messages to a client that include software and messages that do not include software. Birdwell

discloses assigning different addresses to messages to a client that include software and

messages that do not include software [col 2, lines 6-17; and col 4, lines 25-38]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Kawano and Birdwell because Birdwell's teaching would allow to identify different message types inside a communication network.

21.   As per claim 19, Fletcher discloses addressing messages including software to an agent on the client that is adapted to handle the downloading of software [Abstract; and col 3, lines 40-44].

22.   As per claim 20, it is rejected for similar reasons as stated above in claim 1.

23.   As per claims 23-26, they are program product claimed of claims 17-20, they are rejected for similar reasons as stated above in claims 17-20.

Response to Arguments

24.   Applicant's arguments filed 12/19/2003 have been fully considered but they are not persuasive.

25.   As per remarks, Applicants' argued that (1) in Kawano reference, there is no individual identifier assigned to a set of clients.

26.   As to point (1), Kawano discloses identifier assigned to a set of clients [i.e. DF-1, DF-2

for computer group names corresponding to port addresses P1, P2, P3] [Figure 4].

27.   As per remarks, Applicants' argued that (2) Kawano fails to teach assigning a group

identifier to a subset of the clients within the set of clients.

28.   As to point (2), Kawano discloses the above limitation [i.e. sub-network address] [

Figure 4 and Figure 7].

29.   As per remarks, Applicants' argued that (3) the test that determines to whom the message

is sent to a particular client or a subset of clients is absent in the Birdwell reference.

30.   As to point (3), Birdwell discloses the step of enable to determine whether a message is

sent to the first client or to the subset of the client within the set of clients [i.e. filter, keeping

announcements satisfying criteria and discarding the rest] [i.e. Abstract].

31.   As per remarks, Applicants' argued that (5) neither of Kawano or Birdwell discloses

providing at least two agents on a client., a different address is not assigned to each of the agents

either and there is no teaching whatsoever for determining whether a message received by the

client is addressed to one of the two agents.

32.   As to point (5), it is rejected for the reasons as stated above. Furthermore, Kawano

discloses the agents [i.e. port], and assigning a different address to each of said agents [i.e.

ports assign different addresses] [col 8, lines 27-44]. Also, Birdwell discloses determining

whether a message received by the client is addressed to one of the two agents [i.e. monitor and

listen] [col 6, lines 16-32].

33.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Dustin Nguyen whose telephone number is (703) 305-5321. The
examiner can normally be reached on Monday – Friday (8:00 – 5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (703) 306-8498.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directly to the receptionist whose telephone number is (703) 305-3900.

Dustin Nguyen

JOHN FOLLANSBEE
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